

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2949 of 2005

Between:

M/s Vijaya Parboiled Modern Rice Mill, Cherial, Warangal,,
rep. by its partner, Mr. Vijayanand Reddy R/o Cherial,
Warangal District.

..... PETITIONER

AND

The Assistant Provident Fund Commissioner, (Comp), Sub-
Regional Office, Warangal.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order or direction declaring the action of the respondent in passing the order in Proc.No. AP/SRO/WGL/ENF/24260/WGL/2004-05 dated 20-1-2005 as arbitrary, illegal, null and void and also violative of principles of natural justice, and consequently direct the respondent not to take any coercive steps in the proc.No. AP/SRO/WGL/24260/WGL/2004 for the recovery of the amount until the disposal of the Writ Petition.

Counsel for the Petitioner:MR.K.VENUMADHAV

Counsel for the Respondent : MRS.B. KAVITHA YADAV (SC FOR PROVIDENT FUND)

The Court at the stage of admission made the following :

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ORDER:

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The respondent herein by order dated 14-06-2001 passed under Section 7-A of Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short “the Act”) determined that the petitioner is liable to pay a sum of Rs.1,92,085/- towards the P.F. contributions payable under the Act for the period from July, 1993 to December, 2000, apart from a sum of Rs.57,039/- towards interest. The petitioner states that since the said order was an *ex parte* order and there was no notice to the petitioner at any point of time, he filed an application before the respondent seeking to set aside the order dated 14.06.2001 which was dismissed under the impugned order dated 20.01.2005.

The petitioner contends that since the impugned order was passed without notice to the petitioner, on that ground alone the order is liable to be set aside and the matter requires reconsideration.

Heard learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

As can be seen, the impugned order was passed basing on the parawise remarks furnished by the respondent. Nothing has been placed before this Court to show that the petitioner was served with a notice before passing that order. Therefore, I am of the view that the matter requires reconsideration after due notice to the petitioner.

Accordingly, the impugned order dated 20.01.2005 is set aside and the matter is remanded to the respondent for consideration afresh after due notice to the petitioner.

With the above direction, the writ petition is disposed of. No costs.

18.02.2005

Note : Furnish C.C in three days.

(B/O)

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To

1.The Assistant Provident Fund Commissioner, (Comp), Sub-Regional Office, Warangal.

2.Two CD copies